

Amendment to the Abstract

Please substitute the current abstract with the following abstract as amended:

An apparatus and method that optimizes the data rate for forward link data transmissions in a spread-spectrum communications system **106** is provided. The spread-spectrum communications system **106** comprises a wireless infrastructure **103**, at least one wireless mobile receiving device **105**, and an radio frequency (RF) forward link **104** between the wireless infrastructure **103** and the wireless mobile receiving device **105**. The data rate of the RF forward link **104** is optimized in the wireless infrastructure **103** by estimating or measuring the bottleneck link speed of the data transmission and adjusting the data rate for the RF forward link **104** according to several embodiments of a data rate optimization algorithm. The algorithm creates an optimum range for the data rate of the RF wireless link **104** which maximizes system capacity and reduces transmission delays to the wireless mobile receiving device **105**. ~~When appropriate, the data rate of the RF forward link 104 is decreased to remain within the optimized range, thereby increasing system capacity without impacting the performance perceived by a user at the wireless mobile receiving device 105. Conversely, if necessary, the data rate is increased to remain with the optimized range, thereby reducing transmission delays to the wireless mobile receiving device 105.~~